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UNCLAS SECTION 01 OF 06 COLOMBO 000342

SIPDIS

SENSITIVE

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SUBJECT: Sri Lanka/Maldives: 2003 annual Trafficking
in Persons (TIP) report

Ref: (A) State 22225

- (B) 02 Colombo 380

(U) This message is sensitive but unclassified -- please
handle accordingly.

1. (U) Mission point of contact on trafficking in
persons issues until May 1 is poloff Carl-Heinz J.
Wemhoener-Cuite, Andrea Tomaszewicz will replace him at
that time, both can be reached at 94-1-448-007 x-2425
and fax 94-1-471-092.

2. (U) Mission's submission for the 2002 Trafficking in
Persons Report for Sri Lanka and the Maldives follows.
Responses are keyed to the questions in Ref A.

Sri Lanka

3. (SBU) Overview of Sri Lanka's activities to eliminate
trafficking in persons (Para 16).

A -- Sri Lanka might be a country of origin and
destination for a small number of internationally
trafficked women. Some trafficking occurs in territory
the government controls and some in areas the government
does not control. There are no reliable estimates as to
the magnitude of the problem. The sources of
information on trafficking in and from Sri Lanka are the
National Child Protection Authority (NCPA), local and
international NGOs, and the press. The NCPA is reliable
but can provide only limited information and then
specifically on child related statistics. In the area
controlled by the Liberation Tigers of Tamil Eelam
(LTTE) children are at risk of being forcibly recruited
into the LTTE.

B -- Anecdotal evidence indicates Thai, Chinese, and
Russian women may be trafficked into Sri Lanka for
purposes of prostitution. Children are trafficked
internally.

C -- There has been little evidence of change of
trafficking over the past year. There have been
intermittent reports of police and NCPA investigations
into events possibly connected to the trafficking of
children for sexual exploitation.

D -- No reliable surveys on trafficking in Sri Lanka are
currently available, although the NCPA continues to
conduct surveys on trafficking in children issues.

E -- A small number of women may be trafficked into Sri
Lanka for purposes of prostitution, but little
information is available as to how the women come to Sri
Lanka, whether they remain in the country of their own
free will, or the conditions in which they live.

F -- Women are on occasion hired to work in the Middle
East under false pretenses. Women are offered financial
incentives to work as domestic servants in the Middle
East, upon arrival they are sometimes used for other
purposes. The employees travel legally to the places of
employment. The reports on this activity is anecdotal
and of limited numbers.

G -- There is political will at the highest levels of
government to combat trafficking in persons. The
Government of Sri Lanka has established a Police Women's
and Children's Bureau, the National Child Protection
Authority (NCPA), and attached a police unit directly to
the NCPA in 2002, to combat trafficking. The Ministry
of Foreign Affairs also assigns Welfare Officers to
countries where Sri Lankan women are reportedly
trafficked. Despite the difficulties of the ongoing
peace process and having a limited budget the GSL has
made some efforts to combat trafficking through
prevention, prosecution, and some protection.

H -- During the last year there have been unconfirmed reports that personnel in the Sri Lankan Bureau of Foreign Employment have accepted bribes. There have been no reports of arrests or prosecutions in relation to these allegations.

I -- Currently the greatest limitation upon the government in trying to combat trafficking are efforts to maintain an ongoing ceasefire and control a depressed economy. Funding and resources are currently directed towards those concerns.

14. (SBU) Prevention (Para. 17):

A -- The government of Sri Lanka acknowledges that trafficking is a problem in the country.

B -- Immigration, MFA, Police, Bureau of Foreign Employment, and the National Child Protection Authority.

C -- A number of NGOs, sometimes in cooperation with the government, have focused on protection of victims and have conducted some education programs geared towards parents in an attempt to try to prevent trafficking of children for sexual exploitation. Some have also tried educational campaigns geared towards keeping mothers from working in the Middle East, where they work without most civil protections, and are away from their family for extended periods. As yet the campaigns have had limited impact.

D -- The government does not perceive trafficking as a major problem in Sri Lanka and thus has not actively supported many programs to combat trafficking.

E -- Yes, the government is able to support prevention programs, but due to budgetary constraints its capabilities are of a limited nature.

F -- The NCPA's work with international NGOs on trafficking in persons issues is currently the primary interaction between the government and civil society. The government's history of cooperation with NGOs and acknowledgement of the problem, however, suggests a willingness to work with civil society on the issue.

G -- Sri Lanka tries to adequately monitor its borders to control immigration and emigration, but is not able to do so in areas controlled by the LTTE. Evidence of trafficking is limited and the government does not think there is a large-scale problem. The law enforcement agencies focusing on the issue respond when evidence is provided.

H -- There is a mechanism for coordination and communication among agencies, but the government does not have an anti-trafficking task force. The government has an anti-corruption task force.

I -- The government of Sri Lanka is not part of any international working group on trafficking in persons.

J -- The government does not have a national plan of action to address trafficking in persons.

K -- The government has not specifically delegated the responsibility to develop an anti-trafficking program to any government organization. In regards to children, the NCPA has interpreted its mandate to include developing such a program. The NCPA, in conjunction with the International Labor Organization (ILO), has developed an action plan to counteract trafficking in persons. Although investigations and arrests have increased during the last year, budgetary constraints and limited police forces committed to the issue has meant that the program has met with only limited success.

15. (SBU) Investigation and prosecution of traffickers (Para. 18):

A -- The Penal Code Act No. 22 of 1995 specifically criminalizes trafficking in persons.

B -- Penalties range from 2 to 20 years imprisonment plus a penalty of approximately USD 16 to 160.

C -- Penalties range from 7 to 20 years imprisonment plus monetary compensation to the victim, of which the amount is determined by the judge.

D -- The government has not prosecuted any cases against traffickers during the past year. (Note: The government has prosecuted pedophilia cases, which may have been linked to trafficking in children cases, during the year.)

E -- Anecdotal evidence suggests individuals acting on their own volition, but no reliable information on the issue exists.

F -- The government investigates cases of trafficking, but has limited resources to do so.

G -- Limited specialized training is given to members of the Police Women's and Children's Bureau, and the NCPA, but the training does not specifically address the concept of trafficking.

H -- To date the GSL has not cooperated with other governments in the investigation or prosecution of traffickers. Mission is not aware of the GSL being approached to take part in any such investigation. (Note: Harendra de Silva of the NCPA stated that a small number are taken abroad every year on the pretext of improved education, but that a number of such cases may be for sexual exploitation. In regards to such issues, he added that one Swiss man was recently prosecuted for sexual exploitation of a child in Switzerland. He was reportedly a regular visitor to Sri Lanka.)

I -- The government has not extradited anyone charged with trafficking to other countries, but is likely to do so if asked.

J -- There is no credible evidence of government involvement in or tolerance of trafficking of persons. There are unsubstantiated reports of immigration officers accepting bribes.

K -- Government officials are not believed to be involved in trafficking of persons.

L -- The GSL ratified ILO Convention 105 in January 2003.

-- The GSL ratified ILO Convention 182 in February 2000.

-- The GSL ratified ILO Convention 29 in 1950

-- The GSL has signed the Sale of Children Protocol.

-- The GSL has signed the Protocol to Prevent, Suppress, and Punish Trafficking in Persons.

16. (SBU) Protection and assistance to victims (Para. 19):

A -- Victims of internal trafficking are temporarily sheltered in rehabilitation camps which includes some medical and psychological services.

B -- No, the government does not provide funding to NGOs for services to victims. The government has some programs in place, but is focusing its funds on other issues.

C -- Women suspected of being trafficked into Sri Lanka for the purpose of prostitution are sometimes arrested, and released upon paying a fine. There are no reports of mistreatment during the short time they are incarcerated. Children are treated as victims and care is provided to them.

D -- The GSL does not encourage victims to assist in the prosecution or investigation into traffickers. Victims may seek monetary damages by submitting a Fundamental Rights case. There are no impediments in filing such cases and limited support through some NGOs is provided.

E -- The government generally does not provide any protection to witnesses. On rare occasions the accused have been denied bail because of credible threats against the victim.

F -- Limited specialized training is given to members of the Police Women's and Children's Bureau, and the NCPA, but the training does not specifically address the concept of trafficking. Welfare Officers are assigned to countries in the Middle East to focus on the rights of women that may have been trafficked there.

G -- No assistance is given to repatriated victims of trafficking by the government.

H -- Don Bosco, Salvation Army, ILO, American Solidarity Center, and a number of community based organizations work with trafficking victims. Most NGOs focusing on trafficking in persons issues have limited to no contact with the government. The GSL has cooperated with the NGOs that have contacted them.

H (continued) -- The government of Sri Lanka has acknowledged the problem of trafficking in persons,

however, it does not believe it is a major problem in Sri Lanka. Anecdotal evidence points to limited internal trafficking of children for sexual exploitation, and even fewer for labor. The government is addressing the internal trafficking of children through the police and NCPA. Only a very small percent of the women working in the Middle East complain of mistreatment while working overseas. The Bureau of Foreign Employment and Welfare Officers with the MFA are focusing on their complaints. Anecdotal evidence points to perhaps one to two hundred women being trafficked into Sri Lanka. The government as a whole is focused on the ongoing peace process, and has not focused on trafficking in persons.

Maldives

17. (SBU) Overview of Maldivian activities to eliminate trafficking in persons (Para 16).

A -- The Maldives is not a country of origin, transit, or destination for internationally trafficked men, women, or children. The source for this information is the Maldivian Ministry for Women's Affairs and Social Welfare, UNDP, UNICEF, other NGOs, and the press. Mission believes these sources are reliable. Mission's visits to the Maldives confirms what these organizations have reported.

B-I -- Trafficking in persons is not an issue in the Maldives.

18. (SBU) Prevention (para 17):

A -- The government of the Republic of the Maldives does not acknowledge that trafficking is a problem in the country. There is no evidence to indicate that trafficking in persons is a problem in the Maldives.

B -- No Maldivian government agency is tasked with anti-trafficking efforts. If the issue were to arise in the Maldives, the Ministry for Women's Affairs and Social Welfare would be the agency most likely to focus on the issue.

C -- There have been no anti-trafficking information or education campaigns.

D -- The government has long-standing programs to teach Maldivians, particularly women, of their rights. The GORM has conducted political and legal literacy programs and held workshops on gender equality.

E -- If trafficking were a problem in the Maldives the government would likely be able to support prevention programs.

F -- The government works closely with civil society and international NGOs on other issues and if trafficking in persons were to become an issue the government could be expected to work closely with the appropriate NGOs on that issue.

G -- The Maldives is a nation of approximately 1,200 sparsely populated islands and limited resources. Despite this, the GORM adequately monitors its borders, although unauthorized entry and exit of people almost certainly occurs.

H -- The GORM does not have a multi-agency working group or task force focusing on trafficking in persons; the issue has not come up in the Maldives. The government does have an Anti-Corruption Board to review accusations of public corruption.

I -- The government does not participate in any multinational or international working groups or efforts to prevent, monitor, or control trafficking in persons.

J -- The government does not have a national plan of action to address trafficking in persons; it is not an issue in the Maldives.

K -- There is no person or entity responsible for developing anti-trafficking programs within the government; it is not an issue in the Maldives.

19. (SBU) Investigation and prosecution of traffickers (para. 18):

A -- There are no laws specifically prohibiting trafficking. The Attorney General's office argues that the issue can be addressed through Shari'a, Islamic law.

B -- No penalties have been established.

C -- No comparisons can be made as no penalties have been established for trafficking in persons.

D -- The government has not prosecuted any cases against traffickers. There have been no reported cases of trafficking in persons in the Maldives.

E -- There were no reports of traffickers in the Maldives during the last year.

F -- There were no reports of traffickers in the Maldives during the last year.

G -- The government does not provide any specialized training for government officials on trafficking in persons.

H -- Mission is not aware of the Maldivian government being asked to assist in any trafficking in persons cases.

I -- Mission is not aware of any extradition cases arising during the year.

J -- There is no evidence of government involvement or tolerance of trafficking in persons.

K -- There is no evidence of government personnel being involved in trafficking of persons.

L -- Mission has no information of the Maldives signing the ILO Convention 182, Sale of Children Protocol, or the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplemental.

10. (SBU) Protection and assistance to victims (para. 19):

A -- The issue of assistance for victims of trafficking in persons did not arise in the Maldives during the year.

B-G -- Because there are no reports of any victims of trafficking in the Maldives, the issues pertaining to victims were not addressed by the government.

H -- Mission is not aware of any NGOs working on trafficking in person issues in the Maldives.

WILLS